

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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ROBERT D. GRAFFIUS,	:	CASE NO. 4:20-cv-1475
Petitioner,	:	OPINION & ORDER
	:	[Resolving Doc. <a href="#">1</a> ]
v.	:	
WARDEN JAY FORSHEY,	:	
Respondent.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Robert D. Graffius is currently serving eight years for rape. He brings this habeas corpus action under 28 U.S.C. § 2254.<sup>1</sup>

On May 25, 2023, Magistrate Judge Henderson filed a Report and Recommendation (“R & R”) recommending that the Court deny Graffius’s petition in its entirety and not grant him a certificate of appealability. Specifically, Magistrate Judge Henderson found that Graffius has presented only procedurally defaulted and meritless claims. Graffius did not file an objection to the R & R.

The Federal Magistrates Act requires district courts to conduct a de novo review only of objected-to portions of an R & R.<sup>2</sup> Absent objection, district courts may adopt an R & R without review.<sup>3</sup>

So, the Court **ADOPTS** Magistrate Judge Henderson’s R & R and **DENIES** Graffius’s habeas corpus petition in its entirety and any associated certificate of appealability.

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<sup>1</sup> Doc. [1](#).

<sup>2</sup> 28 U.S.C. § 636(b)(1).

<sup>3</sup> *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party’s right to appeal the district court’s order adopting the R & R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 4:20-cv-1475  
GWIN, J.

IT IS SO ORDERED.

Dated: June 27, 2023

s/      James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE